HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 27th April, 2006
Bail Application No. 240 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Ravi Vas
S/o Atar Singh
R/o village-Sunheti Alahpur
Police Station-Jhabreda
District-Haridwar .....Applicant

Versus

State of Uttaranchal
....Opposite party

In Case Crime No. 5 of 2002 S.T. No. 298 of 2002 State Vs. Yogesh & others U/s 147, 148, 149, 364, 302, 201 I.P.C.
Police Station-Jhabreda,
District-Haridwar

AND
Bail Application No. 214 of 2006

CRIMINAL SIDE

Ravi Vas
S/o Atar Singh
R/o village-Sunheti Alahpur,
Police Station-Jhabreda
District-Haridwar .....Applicant

Versus

State of Uttaranchal ...Opposite Party

In Case Crime No. 1 of 2002 S.T. No. 296 of 2002 State Vs. Ravi Vas and others U/s 147, 148, 149, 364, 302, 201 I.P.C.
Police Station-Jhabreda,
District-Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Lok Pal Singh-learned counsel for the applicant, learned AGA for the State and perused the record.

The other co-accused are in jail. They are appearing before the court but the present applicant did not appear before the court on 21.10.2005 and exemption was granted by the court to the applicant. Thereafter the case was fixed on 23.02.2006 and exemption was granted to the applicant. Meantime, during the course of the day, the sureties also moved application that they do

not want to remain the sureties of the applicant-accuse. The case was fixed on 04.02.2006 and on that day again the applicant moved the application for exemption but the application was not pressed by any of the counsel as such the application was dismissed and the bail of the applicant-accused was cancelled and the sureties were also ordered as to why the amount in the sureties bond be not recovered from them. It is also revealed from the order passed by the Sessions Judge on 20th February, 2006 that the medical certificate was also filed before the court and the learned Sessions Judge did not rely on this certificate on the ground that it has been obtained only to procure the bail in this matter.

The medical certificate which has been filed as annexure-3 to this bail application reveals that Gupta Clinic is situated itself in Roorkee and the present applicant is residing in Jhabera which is at a distant of 18 kms from Roorkee. The medical certificate reveals that the applicant came at Roorkee and the court is very close to the place where the Gupta Clinic is situated. Instead of going to the Court, the applicant avoided to appear before the court under the apprehension that the sureties had applied for withdrawal of their sureties. It is also revealed from the medical certificate that the Doctor has given advice from 4th February to 8th February. The applicant appeared before the court on 15th February, 2006 but there is no explanation as to why he did not appear before the court on 9th February, 2006. The circumstances of the case reveals that the applicant has willfully absent himself from appearing before the court and as such he is not entitled to be released on bail .

Considering the facts and circumstance of the case in totality, it is not a fit case for bail at this stage.

Accordingly, the bail applicants are rejected.

(J.C.S. Rawat, J.)

Dated: 27.4.2006
Shiv